

PHILLIP A. TALBERT
United States Attorney
DAVID W. SPENCER
Assistant United States Attorney
501 I Street, Suite 10-100
Sacramento, CA 95814
Telephone: (916) 554-2700
Facsimile: (916) 554-2900

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE RODOLFO MORENO ALBESTRAIN,
and
PEDRO CERNA ARIAS,

Defendant.

CASE NO. 2:21-CR-188-DJC

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: June 15, 2023

TIME: 9:00 a.m.

COURT: Hon. Daniel J. Calabretta

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on June 15, 2023.
2. By this stipulation, defendant now moves to continue the status conference until September 21, 2023, and to exclude time between June 15, 2023, and September 21, 2023, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes more than 650 pages of investigative reports and other documents, as well as numerous

1 audio and video recordings. All of this discovery has been either produced directly to counsel
2 and/or made available for inspection and copying.

3 b) Counsel for defendants desire additional time to review the discovery, conduct
4 factual investigation, evaluate the charges in this case and potential defenses and resolutions,
5 consult with their clients, and otherwise prepare for trial.

6 c) Counsel for defendants believe that failure to grant the above-requested
7 continuance would deny them the reasonable time necessary for effective preparation, taking into
8 account the exercise of due diligence.

9 d) The government does not object to the continuance.

10 e) Based on the above-stated findings, the ends of justice served by continuing the
11 case as requested outweigh the interest of the public and the defendant in a trial within the
12 original date prescribed by the Speedy Trial Act.

13 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
14 et seq., within which trial must commence, the time period of June 15, 2023 to September 21,
15 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
16 T4] because it results from a continuance granted by the Court at defendant's request on the basis
17 of the Court's finding that the ends of justice served by taking such action outweigh the best
18 interest of the public and the defendant in a speedy trial.

19 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
20 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
21 must commence.

22 IT IS SO STIPULATED.

23
24 Dated: June 9, 2023

PHILLIP A. TALBERT
United States Attorney

26
27 /s/ DAVID W. SPENCER
DAVID W. SPENCER
Assistant United States Attorney
28

1 Dated: June 9, 2023

/s/ David D. Fischer

David D. Fischer
Counsel for Defendant
JOSE RODOLFO MORENO
ALBESTRAIN

5 Dated: June 9, 2023

/s/ Christina DiEdoardo

Christina DiEdoardo
Counsel for Defendant
PEDRO CERNA ARIAS

10 **FINDINGS AND ORDER**

11 IT IS SO FOUND AND ORDERED.

12 Dated: June 9, 2023

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE